

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application in compliance for allowance. The present amendment is made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 44-50, 53, 58-63 and 65-68 are pending in this application. Claims 44, 49, 50, 53, and 58-63 and 65-68 are independent, and hereby amended. No new matter has been added. Support for this amendment is provided throughout the Specification as originally filed and specifically on pages 18 and 19. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. OBJECTIONS TO SPECIFICATION AND REJECTIONS UNDER 35 U.S.C. §101

Applicants hereby amend claims 60 and 67, thereby obviating the objections to the Specification and the rejections under 35 U.S.C. §101.

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 44-50, 53 and 62-63 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent 6,522,672 to Matsuzaki et al. (hereinafter, merely "Matsuzaki") in

view of U.S. Patent No. 5,801,753 to Eyer et al. (hereinafter, merely “Eyer”) in further view of the EN 300 468 v1.31 Document entitled Digital Video Broadcasting (DVB); Specification for Service Information (SI) in DVB Systems.

Applicants do not concede that the EN 300 468 v1.31 Document is prior art and reserve the right to swear behind the EN 300 468 v1.31 Document as provided for under 37 C.F.R. § 1.131.

Claims 58-61 and 65-68 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent 6,111,612 to Ozkan et al. (hereinafter, merely “Ozkan”) in view of Eyer in further view of Matsuzaki in further view of U.S. Patent 5,892,894 to Shiroshita et al. (hereinafter, merely “Shiroshita”).

IV. RESPONSE TO REJECTIONS

Claim 44 recites, *inter alia*:

“...wherein the information receiving apparatus reads contents of a program information data of a current program and a next program at a re-transmission cycle of the program information data of the current program and the next program,

wherein the contents includes a status flag indicating whether the program information data is being transmitted based on different status flag values to enable recognition of schedule data transmission status ...” (Emphasis added)

Applicants submit that neither Matsuzaki, Eyer, nor the EN 300 468 v1.31 Document, taken alone or in combination, teaches or suggests the above discussed feature of claim 44. Specifically, neither of the cited references teaches or suggests the contents includes a status flag indicating whether the program information data is being transmitted based on

different status flag values to enable recognition of schedule data transmission status, as recited in claim 44.

The Office Action (see page 7) concedes that Matsuzaki in combination with Eyer fails to teach that the contents include a status flag indicating whether the program information is being transmitted based on different status flag values, but asserts that the EN 300 468 v1.31 Document teaches such a status flag.

The Office Action states that the EN 300 468 v1.31 Document teaches that the contents include a status flag, namely a “running_status” field, indicating whether the program information data is being transmitted based on different status flag values (see Pages 21-22 and Tables 6 and 7 for the EIT and running_status field in the EN 300 468 v1.31 Document). “Running_status” is defined as “a 3-bit field indicating the status of the service as defined in table 6.” (see Page 20 in the EN 300 468 v1.31 Document)

However, the Office Action’s referenced Table 7 is essentially identical to Applicants’ FIG. 9, which also includes a “running_status” field. (see Table 7 of the EN 300 468 v1.31 Document). However, Applicant distinguishes the EIT form in FIG. 9 which “defines a description format of EPG data of current and next programs” from that of FIG. 10, which “shows a description of the transmission statuses of schedule EPG data that are described in the descriptor of EPG data of current and next programs and indicate program broadcast schedules.” (Pages 17-18)

The Applicants respectfully submit that the existence of both the “running_status” field in FIG. 9 and the “status_flag” field in FIG. 10 demonstrates that the two fields are included for distinctly different reasons and therefore the EN 300 468 v1.31 Document does not make it obvious to a person of ordinary skill in the art at the time the invention was made to include a

status flag indicating whether the program information data is being transmitted based on different status flag values as set forth in claim 44.

Applicants specifically identified a shortcoming in the prior art, which does not teach or suggest the contents includes a status flag indicating whether the program information data is being transmitted based on different status flag values to enable recognition of schedule data transmission status.

Thus, Applicants claim an improvement over the prior art, for example, by incorporating the limitation in claim 44 that the contents includes a status flag indicating whether the program information data is being transmitted based on different status flag values to enable recognition of schedule data transmission status. For at least this reason, claim 44 is patentable over the EN 300 468 v1.31 Document.

To further differentiate the claimed status flag from that of the “running_status” field found in the EN 300 468 v1.31 Document, claim 44 has been amended to add the limitation that the status flag may be used “to enable recognition of schedule data transmission status.” Support for this modification may be found, for example, in the specification on Page 19, paragraph [0060], reproduced below. No new matter has been added.

[0060]As described above, by reading out the contents of the descriptor of EPG data of current and next programs, the information receiving apparatus 2 can recognize, at the re-transmission cycle of the EPG data of current and next programs, the transmission statuses of schedule EPG data indicating program broadcast schedules.

Additionally, the Office Action’s referenced “running_status” field is further distinguished by the EN 300 468 v1.31 Document’s Table 6, which displays the different status values for the “running_status,” which is “a 3-bit field indicating the status of the service.” (see Page 20 and Table 6 in the EN 300 468 v1.31 Document) These values indicate that the

running_status has a value of “1”, to indicate “not running”; a value of “2”, to indicate “starts in a few seconds”; a value of “3”, to indicate “pausing”; or a value of “4” to indicate “running”. (see Table 6 in the EN 300 468 v1.31 Document) These values are notably different from the Applicants’ 1-bit status flag which has a value “1” to indicate that the information transmitting apparatus 1 is transmitting schedule EPG data, and a status flag which has a value “0” to indicate that the information transmitting apparatus 1 is transmitting not schedule EPG data, *i.e.*, different values of the status flag indicate whether the program information data is being transmitted or not.

Applicants respectfully submit that the reason these values are different is that the EN 300 468 v1.31 Document does not teach or suggest a flag that indicates whether the program is being transmitted or not. Therefore, Applicants respectfully submit that claim 44 is patentable.

Furthermore, this deficiency of the EN 300 468 v1.31 Document is not cured by the supplemental teaching of Matsuzaki in view of Eyer.

Therefore, Applicants respectfully submit that claim 44 is patentable.

For reasons similar to those described above with regard to independent claim 44, independent claims 49, 50, 53, and 58-63 and 65-68 are patentable.

V. DEPENDENT CLAIMS

The other claims are dependent from an independent claim, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

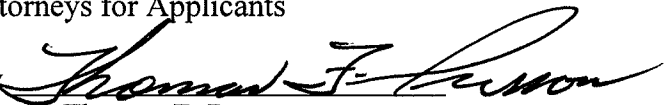
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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By


Thomas F. Presson
Reg. No. 41,442
(212) 588-0800